



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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MEMORANDUM

TO: Commissioners

FROM: Phil Stutzman, Director of Compliance  
*Phil Stutzman*

DATE: September 18, 2002

SUBJECT: Request for Reinstatement of Suspended Portion of Penalty  
Richard Benjamin, Case #02-262

A brief enforcement hearing was held May 7, 2002, for Richard Benjamin, PDC Case No. 02-262. The Respondent was found to have violated RCW 42.17.080 and 42.17.090 by failing to timely file reports showing the details of contributions received and summary reports of contributions and expenditures made during his 2001 campaign for Des Moines City Council. The Chair assessed a penalty of \$200 and suspended \$100 on the condition the Respondent commits no further violations of RCW 42.17 for a period of four years from the date of the order. The order was entered May 20, 2002.

A brief enforcement hearing was held June 4, 2002, for Richard Benjamin, PDC Case No. 02-369. The Respondent was found to have violated RCW 42.17.240 by failing to file the Statement of Financial Affairs by April 15, 2002 and was assessed a penalty of \$150.

Richard Benjamin was found to have violated RCW 42.17 within four years of the date of the order entered in Case No. 02-262. Therefore, staff is requesting that the Commission reinstate the \$100 suspended portion of the \$200 penalty in Case No. 02-262.

Richard Benjamin has not paid the \$100 non-suspended portion of the penalty in Case No. 02-262, nor has he paid the \$150 penalty in Case No. 02-369.





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## BEFORE THE PUBLIC DISCLOSURE COMMISSION

RICHARD BENJAMIN  
2626 SOUTH 236<sup>th</sup> STREET  
DES MOINES WA 98198

In Re the Matter of	)	PDC Case No. 02-262
	)	
Richard Benjamin	)	Findings of Fact
	)	Conclusions of Law and
Respondent.	)	<b>Order Imposing Fine</b>
	)	

A brief enforcement hearing was held May 7, 2002 in Room 206, Evergreen Plaza Building, Olympia, Washington to consider whether the Respondent failed to timely file contribution and expenditure reports, alleged violations of RCW 42.17.080 and 42.17.090.

The hearing was held in accordance with chapters 34.05 and 42.17 RCW and chapter 390-37 WAC. Commission Chair Christine Yoroza was the Presiding Officer. The Commission staff was represented by Phil Stutzman, Director of Compliance. Richard Benjamin participated by telephone and addressed the Presiding Officer.

Brief enforcement hearing notice was sent to the Respondent on April 24, 2002. Having considered the evidence, the Presiding Officer finds as follows:

### FINDINGS OF FACT

1. Richard Benjamin was a first time candidate in 2001 for the Des Moines City Council. The Respondent's name appeared on the general election ballot. He won in the general election. During the campaign, the Respondent received contributions totaling \$6,360 and made expenditures of \$6,062.
2. As a candidate appearing on the general election ballot, the Respondent was required to file a C-4 summary report of contributions and expenditures 21 days before the general election. This report was due October 16, 2001. The post general election C-4 report was due on December 10, 2001.
3. The Respondent filed the 21-day pre general election C-4 report 3 days late on October 19, 2001 and the post election C-4 report 28 days late on January 7, 2002. The 21-day pre general election C-4 included contributions of \$2,220 and expenditures of \$1,109. The post election C-4 included \$2,990 in contributions and \$750 in expenditures.



4. The Respondent was required to file C-3 reports on a weekly basis starting July 1, 2001. Of the five C-3 reports filed by the Respondent between September and December 2001, three reports were filed between 7 and 49 days late for deposits ranging from \$20 to \$1,200.
5. The Respondent stated that he served as his own treasurer. He acknowledged that his campaign reports were filed late and apologized for failing to comply with the reporting requirements.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17.080 and 42.17.090 by failing to timely file C-3 and C-4 reports.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

**IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$200. \$100 is suspended on the condition the Respondent commits no further violations of RCW 42.17 for a period of four years from the date of this order.**

This is an initial order of the Public Disclosure Commission. The Respondent may request a review of this Order by the entire Commission. The request may be made orally or in writing, and must be received at the Public Disclosure Commission's office within 21 days after service of this Order. If the Respondent requests a review no penalty need be paid until after the Commission rules on the request.

**IF NO REQUEST FOR REVIEW IS RECEIVED WITHIN 21 DAYS, THIS ORDER WILL AUTOMATICALLY BECOME A FINAL ORDER OF THE COMMISSION AND WILL REMAIN A FINAL ORDER UNLESS AN APPEAL IS MADE PURSUANT TO RCW 42.17.395. SHOULD THE TERMS OF THE SUSPENSION NOT BE FOLLOWED, THE RESPONDENT IS LEGALLY OBLIGATED TO PAY THE ENTIRE PENALTY PURSUANT TO RCW 42.17.395.**

Entered this <sup>4th</sup> 20 day of May, 2002.

Public Disclosure Commission



Vicki Rippie  
Executive Director



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BEFORE THE PUBLIC DISCLOSURE COMMISSION

RICHARD BENJAMIN  
2626 S 236<sup>TH</sup> ST  
DES MOINES WA 98198

In Re the Matter of	)	PDC Case No. 02-369
Richard Benjamin	)	Findings of Fact,
	)	Conclusions of Law and
Respondent.	)	<b>Order Imposing Fine</b>
	)	

A brief enforcement hearing was held June 4, 2002 in Room 206, Evergreen Plaza Building, Olympia, Washington to consider the Respondent's apparent failure to timely file the Statement of Financial Affairs, PDC Form F-1, due by April 15, 2002, a violation of RCW 42.17.240.

The hearing was held in accordance with Chapters 34.05 and 42.17 RCW and Chapter 390-37 WAC. Commission Chair Christine Yorozu was the Presiding Officer. The Commission staff was represented by Philip Stutzman, Director of Compliance. The Respondent was not present.

Brief enforcement hearing notice was sent to the Respondent on May 21, 2002. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is a City Council Member in the City Of Des Moines.
2. The Respondent was required to file a Statement of Financial Affairs (PDC Form F-1) by April 15, 2002.
3. The F-1 was not filed.

*"The public's right to know of the financing of political campaigns and lobbying  
and the financial affairs of elected officials and candidates far outweighs  
any right that these matters remain secret and private."*

RCW 42.17.010 (10)



CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17.240 by failing to file the Statement of Financial Affairs by April 15, 2002.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

**IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$150.**

This is an initial order of the Public Disclosure Commission. The Respondent may request a review of this order by the entire Commission. The request may be made orally or in writing, and must be received at the Public Disclosure Commission's office within 21 days after service of this order. If the Respondent requests a review, no penalty need be paid until after the Commission rules on the request.

IF NO REQUEST FOR REVIEW IS RECEIVED WITHIN 21 DAYS, THIS ORDER WILL AUTOMATICALLY BECOME A FINAL ORDER OF THE COMMISSION, AND THE RESPONDENT WILL BE LEGALLY OBLIGATED TO PAY THE PENALTY PURSUANT TO RCW 42.17.395, UNLESS AN APPEAL IS MADE PURSUANT TO RCW 42.17.395.

Entered this 3<sup>rd</sup> day of July, 2002.

Public Disclosure Commission

  
Vicki Rippie  
Executive Director